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OFFICE OF PETITIONS

In re Application of :
Marguerite E. O'Neill :
Application No. 10/569,151 : **DECISION DISMISSING PETITION**
Filed: February 21, 2006 : **UNDER 37 CFR 1.313(a)**
Attorney Docket No. 2003UR030 :

This is a decision on the petition under 37 CFR 1.313(a), filed May 20, 2008 and supplemented on May 21, 2008, requesting withdrawal of the above-identified application from issue.


The petition is **DISMISSED** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on March 7, 2008, with the issue fee being due on or before June 9, 2008. The petition states that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Telephone inquiries concerning this decision may be directed to undersigned at (571) 272-1642.

The matter is being referred to Technology Center AU 3671 for appropriate processing of the RCE filed May 21, 2008, and for consideration of the concurrently filed information disclosure statement filed May 20, 2008 and May 21, 2008.


April M. Wise
Petitions Examiner
Office of Petitions